

AN ORDINANCE 99653

GRANTING (1) A LICENSE AGREEMENT TO ALAMO QUARTERS, LTD., A TEXAS LIMITED PARTNERSHIP TO USE, MAINTAIN AND OPERATE TWO EXISTING BALCONIES (23.5 FEET BY 5 FEET AND 27.5 FEET BY 5 FEET, RESPECTIVELY) OVER PUBLIC RIGHT OF WAY AT 242 LOYOSA STREET AND 248 LOSOYA STREET, RESPECTIVELY, AND TO CONSTRUCT A THIRD BALCONY OVER PUBLIC RIGHT OF WAY AT 246 LOSOYA STREET, ALL BALCONIES ADJACENT TO A BUILDING AT 248 AND 254 LOYOSA STREET, CO-OWNED WITH KBOUDI PARTNERSHIP, A TEXAS GENERAL PARTNERSHIP, FOR A LICENSE FEE OF \$7,597.00; AND (2) A LICENSE AGREEMENT WITH KBOUDI PARTNERSHIP, TO USE, MAINTAIN AND OPERATE AN EXISTING BALCONY OVER PUBLIC RIGHT OF WAY ADJACENT TO THE BUILDING AT 254 LOSOYA STREET FOR A LICENSE FEE OF \$2,545.00, ALL LOCATED IN NCB 145, IN COUNCIL DISTRICT 1, EACH LICENSE AGREEMENT FOR A TEN (10) YEAR TERM FOR A TOTAL CONSIDERATION OF \$10,142.00 WHICH INCLUDES A 75% REDUCTION OF THE LICENSE FEES AS PROVIDED BY THE CITY'S INCENTIVE SCORECARD, PASSED AND APPROVED BY CITY COUNCIL ON MAY 29, 2003.

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WHEREAS, Alamo Quarters, Ltd. as Petitioner, has requested a license to use the City of San Antonio's public right of way to use, maintain and operate two existing balconies (23.5 feet by 5 feet and 27.5 feet by 5 feet, respectively) over Public Right of Way at 242 Loyosa Street and 248 Losoya Street, respectively, and to construct a third balcony over Public Right of Way at 246 Losoya Street, all balconies adjacent to a building at 248 and 254 Loyosa Street, co-owned with Kboudi Partnership, a Texas General Partnership, for a License Fee of \$7,597.00 and **Kboudi Partnership**, as Petitioner, has requested a license to use the City of San Antonio's public right of way to use, maintain and operate an existing balcony over Public Right of Way adjacent to the building at 254 Losoya Street for a License Fee of \$2,545.00, said Licensed areas are shown on **Exhibit "A"**; and

WHEREAS, the request of the Petitioners have been circulated through all interested City departments and utility agencies involved and Petitioners have agreed to the conditions and/or restrictions imposed by the Department of Asset Management through a letter agreement dated April 26, 2004 (Alamo Quarters, Ltd) and July 13, 2004 (Kboudi Partnership); **NOW THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Ten (10) year License Agreements are hereby authorized and approved between the City of San Antonio granting (1) Alamo Quarters, Ltd., a license to use the City of San Antonio's public right of way to use, maintain and operate two existing balconies (23.5 feet by 5 feet and 27.5 feet by 5 feet, respectively) over Public Right of Way at 242 Loyosa Street and 248 Losoya Street, respectively, and to construct a third balcony over Public Right of Way at 246

Losoya Street, all balconies adjacent to a building at 248 and 254 Loyosa Street, co-owned with Kboudi Partnership, a Texas General Partnership, for a License Fee of \$7,597.00, and (2) Kboudi Partnership a license to use the City of San Antonio's public right of way to use, maintain and operate an existing balcony over Public Right of Way adjacent to the building at 254 Losoya Street for a License Fee of \$2,545.00 , all Licensed Premises being located in NCB 145, for a total consideration ("Fee") of \$10,142.00, which includes a seventy-five percent (75%) reduction of the Fee as provided by the City's Incentive Scorecard, passed and approved on May 29, 2003.

SECTION 2. The City Manager or City Manager's designee is hereby authorized to execute two License Agreements, copies of which, signed by Petitioners, as respective Licensees, are attached hereto as **Exhibit "B."**

SECTION 3. Approval of these License Agreements are contingent on Petitioners agreement to pay the License Fee due and payable within ten (10) days after the date of passage of this ordinance and further contingent on the specific conditions set forth in the letter agreement dated April 30, 2001 and attached as **Exhibit "C"**, to which Petitioner has formally assured compliance.

SECTION 4. The License Fees shall be deposited into Fund No. 11-000 entitled "General Fund," Index Code 012732, entitled, "License Agreements - Use of Row".

SECTION 5. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 6. This ordinance shall be effective on the 12th day of September, 2004.

PASSED AND APPROVED this 2nd day of September, 2004.



M A Y O R

EDWARD D. GARZA

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney

Agenda Voting Results

Name: 23. **99653**

Date: 09/02/04

Time: 02:15:13 PM

Vote Type: Multiple selection

Description: 23. An Ordinance granting (1) a License Agreement to Alamo Quarters, Ltd., a Texas Limited Partnership to use, maintain and operate two existing balconies (23.5 feet by 5 feet and 27.5 feet by 5 feet, respectively) over Public Right of Way at 242 Loyosa Street and 248 Losoya Street, respectively, and to construct a third balcony over Public Right of Way at 246 Losoya Street, all balconies adjacent to a building at 248 and 254 Loyosa Street, co-owned with Kboudi Partnership, a Texas General Partnership, for a License Fee of \$7,597.00; and (2) a License Agreement with Kboudi Partnership, to use, maintain and operate an existing balcony over Public Right of Way adjacent to the building at 254 Losoya Street for a License Fee of \$2,545.00, all located in NCB 145, in Council District 1, each License Agreement for a ten (10) year term for a total consideration of \$10,142.00 which includes a 75% reduction of the license fees as provided by the City's Incentive Scorecard, passed and approved by City Council on May 29, 2003. [Presented by Rebecca Waldman, Director, Asset Management; Erik J. Walsh, Assistant to the City Manager]

Notes: Motioned: RICHARD PEREZ Seconded: RON H. SEGOVIA Notes:

| Voter | Group | Status | Yes | No | Abstain |
|-------------------------|-------------|-------------|-----|----|---------|
| ROGER O. FLORES | DISTRICT 1 | | x | | |
| JOEL WILLIAMS | DISTRICT 2 | | x | | |
| RON H. SEGOVIA | DISTRICT 3 | Not present | | | |
| RICHARD PEREZ | DISTRICT 4 | | x | | |
| PATTI RADLE | DISTRICT 5 | | x | | |
| ENRIQUE M. BARRERA | DISTRICT 6 | | x | | |
| JULIAN CASTRO | DISTRICT 7 | | x | | |
| ART A. HALL | DISTRICT 8 | | x | | |
| CARROLL SCHUBERT | DISTRICT 9 | | x | | |
| CHRISTOPHER "CHIP" HAAS | DISTRICT_10 | | x | | |
| MAYOR ED GARZA | MAYOR | | x | | |